

## **CHAPTER 27 – EASEMENTS**

### **Code References:**

**Subdivision Map Act Sections: 66436**

**Los Angeles County Code - Title 21 Sections 21.44.240 and 21.44.300**

The following language, practices, procedures and policies, as appropriate, shall be used for all existing and proposed easements associated with all subdivision maps processed by Land Development Division in the unincorporated area of Los Angeles County and all contract cities.

Southern California Gas Company occasionally sends a public utility letter which sets conditions that are not in the original easement grant. The County will accept these letters if all the owners affected by the easement sign the public utility letter and signatures are notarized agreeing to the conditions specified on the public utility letter. We will not accept letter if signed by subdivider only.

CalTrans clearance is not required unless specified in the conditions of approval. Need public entity letter if the title company picks them up as an interest holder under Section 66436(c)(1). It is the engineer's/surveyor's responsibility to provide a print or sketch of the final map to CalTrans.

A Flood Control District clearance is necessary if a District right of way or easement is adjacent to or within the subdivision. On a City Engineer map if the District's signature is being omitted pursuant to Section 66436(c)(1) of the Subdivision Map Act, a public entity letter is required. The clearance from the District is satisfactory as a public entity letter if it contains the statement about the District's interest not being interfered with by the subdivision.

Purpose of existing easements must be shown on either the note on the map or in the signature omission note. It is not required to be shown in both places,,

On any easement, we must be able to find that the project does not unreasonably interfere with the exercise of the easement. If surveyor/engineer has difficulty with the easement description, it is recommended that the title company take a calculated risk and eliminate said easement from the title report.

If all easements of record are being delineated on the final map, but some are blanket, indeterminate, or in a street being offered for dedication, a statement about it being blanket, indeterminate, or in a street should be in the omission note or easement note. Collect \$100 if an easement, other than those of the local agency, is blanket, indeterminate, or in a street offered on the map is so stated in omission note or

easement note. We will consider this as a "word" delineation. If easements are not delineated on the final map, a statement should not appear in the omission note or easement note.

If the preliminary guarantee/title report shows both forms of the recording reference (Doc. No. and date, Book and Page), the signature omission note and the labeling of the easement on the final map need only show either form of the recording reference. If the preliminary guarantee /title report shows only one form of the recording reference, the signature omission note and the labeling of the easement on the final map can show both forms of the recording reference.

When a street has been abandoned or vacated and two years has not elapsed from the date of vacation, the title company may show an owner of an ingress and egress easement within the vacated street. This is due to the provisions of Civil Code Section 812. The interest will normally be shown pursuant to Section 66436 (c)(2) of the Subdivision Map Act.

If a street has been vacated pursuant to the provisions of the Streets and Highway Code, the title company may show easement interests for storm drains, sewers, waterlines, or public utilities as a result of reservations made in the vacation documents. This reservation is normally made for any facilities which may exist within the vacated right of way. The title company should attempt to determine what facilities exist. We should attempt to have the owner of the facilities record a document establishing the location of the easement necessary for their facilities.

If an existing easement runs through a subdivision, the easement does not need to be tied to each lot line. Ties need only be shown at the two ends or at one end with the bearing of the easement shown. Labeling of existing easements as "easement to" is permitted except for local agency easements which must still be labeled as "easement of".

We do not have to show existing easements within offsite easements being dedicated unless they are not consistent with the easement being dedicated. Signature omission note should be modified to indicate it is within the offsite dedication. No public utility letter is required for existing easements in the,-offsite area.

On tentative maps in the unincorporated territory dated May 18, 1979 or later, all existing easements must be accounted for on the tentative map. If all easements have not been correctly accounted for, another tentative map must be submitted to the Department of Regional Planning for approval by the Advisory Agency or acceptance as an accompaniment to the approved tentative map. Only easements of the County and those required by the conditions of tentative approval are required to be delineated on the final map.

If a net area is shown on the final map which excludes areas of easements not shown on the final map, then all existing easements must be shown or the net area corrected to exclude only those deductible easements required above.

The purpose of existing easements must be shown in either the note on the map or in the signature omission note on the final subdivision map. It is not required to be shown in both places.

We will allow a signature omission note for a local agency easement if it is already on the map.

A signature omission note should not be shown for an interest being abandoned pursuant to Section 66499.20-1/2 of the California Government Code (Subdivision Map Act). If the final guarantee still shows the interest which is being abandoned by the map, the checker should place a note on the guarantee indicating that such interest is being abandoned by the map pursuant to said section.

If the preliminary guarantee/title report shows an easement interest with the name of the easement holder we will assume that the easement is still in use and signature(s) may be omitted under Section 66436 (a) 3A (I-VII) of the California Government Code.

The names of the easement or interest holders must show on the title report if omitted under Sections 66436 (a) 3A (I-VII), (a) 3B, (a) 3C and (a) 4 of that Code. In order for a signature to be omitted under Section 66436 (a) 3B, the title company must indicate in their report that it can be omitted under Section 66436 (a) 3B. If they do not, the signature must be omitted under Section 66436 (a) 3A (I-VII).

The Public Utility/Public Entity letter is required for all County and City Engineer city maps when an owner's certificate is shown.

The alternate Public Utility/Public Entity letter, properly executed, covers all public utility or public entity easements affecting the subdivision. A separate letter for each easement will not be required.

A utility company may occasionally send a public utility letter which sets conditions that are not in the original easement grant. We will accept these letters if all the owners affected by the easement sign the public utility letter agreeing to the conditions specified in the public utility letter. All signatures must be notarized. We will not accept the letter if signed by subdivider only.

Caltrans clearance is not required unless specified in the conditions of approval. A public entity letter is needed if the title company picks them up as an interest holder under Section 66436 (a) 3A (I-VII) of the California Government Code (Subdivision Map Act). It is the surveyor's/engineer's responsibility to provide a print or sketch of the final map to Caltrans.

Existing easements within off-site easements being dedicated do not have to be shown unless they are not consistent with the easement being dedicated. Signature omission note should be modified to indicate it is within the off-site dedication.

If an easement is appurtenant to a piece of land, it passes with the conveyance of the land as described in "Title Handbook" published by TICOR Insurance Co.

Ingress and Egress (I & E) easements "to be reserved in documents," are only shown within the property being subdivided.